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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

5 MARTHADAVIS, as assignee of "THE
MOTELS," on behalf of herself and all others
similarly situated,

Plaintiff,

VS.

9 EMI GROUP LIMITED; CAPITOL
10 RECORDS, LLC; EMI MUSIC NORTH
AMERICA, LLC; EMI RECORDED MUSIC;
and EMI MARKETING,

Defendants.

CASE NO. CV 4:12-cv-01602-YGR

ORDER GRANTING IN PART

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STIPULATION TO: (A) STAY
DEFENDANT'S MOTION TO DISMISS
SECOND AMENDED COMPLAINT [DKT.
NO. 30] PENDING RULING ON
PLAINTIFF'S MOTION TO DISQUALIFY
DEFENDANT'S COUNSEL [DKT. NO. 29],
AND (B) RE-SET HEARING ON
PLAINTIFF'S MOTION TO DISQUALIFY

13 The parties have submitted their stipulation (Dkt. No. 32) concerning the pending motion to
14 disqualify counsel and motion to dismiss. The Court **GRANTS** the stipulation **IN PART** as follows:

15 1. Briefing on Defendant's Motion to Dismiss is suspended and the hearing currently
16 set for September 25, 2012, is **VACATED** pending the Court's consideration and ruling on Plaintiff's
17 Motion to Disqualify.

18 2. Once the Court has ruled on Plaintiff's Motion to Disqualify, Defendant's counsel
19 (whether that be its current counsel or new counsel retained due to the motion being granted) shall
20 re-notice the hearing on Defendant's Motion to Dismiss following the normal timelines for notice,
21 opposition and reply as set forth in Local Rules 7-2 and 7-3.

22 3. The hearing on Plaintiff's Motion to Disqualify is **VACATED** and **RESET** for October
23 9, 2012, at 2:00 p.m. However, the opposition and reply shall be filed consistent with the original
24 deadlines and hearing date.

IT IS SO ORDERED.

27 | Date: September 4, 2012

Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE